

## INTER-DEPARTMENT MEMO--1

FROM Scott

DATE 7/31/98

TO Tim

SUBJECT Sorensen/Jensen, WD34

I spoke w/ Doug R. about this Notice. He said the regit was being delivered to the headgate, but the irrigation district had canal problems on the Moore. (Sand buildup at the head). Apparently the problem has been fixed.

Scott SIGNATURE  
Doug did contact Sorensen, who is now getting Canal water.

# NOTICE OF UNAVAILABILITY

July 15, 1998

RECEIVED

JUL 20 1998

Department of Water Resources

Dear Mr. Kirby Jensen;

Pursuant to the Court's Findings and Conclusions (p. 8, par. 18; and p. 13, par.3 & 4) you are hereby noticed that commencing on July 14, 1998, and thru the date of this notice, and continuing into the future to a date yet uncertain, the exchanged water supplies from water rights 34-10037 and 34-00093 are unavailable to me for my use. The reason for the unavailability is unknown to me at this time, but it appears to be as a result of Big Lost River Irrigation District operational practices. As you recall, both exchange contracts contain the following language that remains in effect;

In the event the Decreed water shall become unavailable for any reason, the Decree Owners shall use all reasonable efforts to supply Well Owners with an alternative source of irrigation water. If Decree Owners are unable to provide such alternative source, the right to use the well water shall revert to Well Owners during such failure of the Decreed water.

(emphasis added)

The Court found this provision to be modified by the "1989 Notes" to the extent that;

- 1.) I give you notice of Decreed water unavailability. **You are hereby so notified.**
- 2.) I locate an "alternate" source, which "Jensens shall compensate Sorensens for the cost of obtaining those sources, and shall pay the full electrical charges incurred during the "off" period". You are now responsible for 100% of electrical charge incurred by the operation of my wells on the Jensen farms during this period of unavailability.
- 3.) And, if I am unable to find such an alternative source (at this time I am unable to locate such an alternate supply), reversion occurs after you are notified.  
**You are hereby so notified.**

Additionally, there may be other state statutory conditions governing the diversion of water from my wells when your Decreed water supplies are unavailable for my use, under these state approved exchanges. IDWR and the watermaster will be notified of these circumstances by virtue of a copy of this letter being forwarded to them. How they choose to enforce those statutory requirements, at this time, is at their discretion.

Sincerely,



Mitchell D. Sorensen

CC: Norm Young, IDWR

Doug Rosenkrance, District 34 Watermaster